

#//13882 PATENT 264/027 3·17·03<sup>18721-7031</sup>

## CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

[X] I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: \_

3/3/03

Signature of Person Certifying: Printed Name: Carolyn Tobias

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Group Art Unit: 2882
Hassan Mostafavi	Examiner: Church, Craig E.
Serial No.: 09/893,122	) )
Filed: June 26, 2001	)
For: METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL GATING	) ) )

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A. Copies of the items listed are enclosed herewith.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.



## INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

applica 37 CFR mailing	tion three tion file \$ 1.491 tof a fire	S is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is months of the filing date of the application, which is not a continued prosecution d under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 1; or (3) before the mailing of a first Office action on the merits; or (4) before the st Office action after filing a request for continued examination under § 1.114. Thus, no
fee is re	equired.	
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
,ì		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
	This ID on the r	OS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 1.
		The fee due under 37 CFR § 1.17(p) is submitted herewith.
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
§ 1.113 statement	or a No	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR office of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A or 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted
□ § 1.113	This II	OS is being submitted under 37 CFR § 1.97(i), that is after a Final Action under 37 CFR otice of Allowance under 37 CFR § 1.311, but before payment of the issue fee.

	STATEMENT UNDER 37 CFR § 1.97(e):
$\boxtimes$	Each item contained in this IDS was first cited in a communication from a foreign patent office
in a co	ounterpart foreign application not more than three months prior to the filing of this IDS.
	No item contained in this IDS was cited in a communication from a foreign patent office in a
counte	erpart foreign application, and, to the knowledge of the person signing this statement after
makin	g reasonable inquiry, no item of information contained in this IDS was known to any individual
design	nated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.
	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:
	A check in the amount of is enclosed for the above fee(s).
$\boxtimes$	The Commissioner is authorized to credit any overpayment and to charge any underpayment to
Bingh	am McCutchen's Deposit Account No. 50-2518, referencing billing No. 264/027; 18721-7031,
for an	y fees required by the filing of these papers.
	•
	Respectfully submitted,
Dated	: 3/3/03  By: Aurill Cler  Gerald Chan

Reg. No. 51,541

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 Telephone: (650) 849-4904 Telefax: (650) 849-4800 Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF C	
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB co	ed <u>muntol numbe</u>

Substitute	e for form 1449A/PTO	)		Complete if Known		
INFORMATION DISCLOSURE				Application Number	09/893,122	
				Filing Date	June 26, 2001	
STATEMENT BY APPLICANT		First Named Inventor	Hassan Mostafavi			
		Group Art Unit	2882			
	(use as many she	ets as	necessary)	Examiner Name	Church, Craig E.	
Sheet	1	of	1	Attorney Docket Number	218721-7031 (264/027)	

			U.S. PATENT DOCUM			
[	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication of	Pages, Columns, Lines, Where Relevant	
Cite No. <sup>1</sup>		d Code <sup>2</sup> nown)	of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	
AA	5,582,182		Hillsman	12/10/96		
AB	5,954,647		Bova et al.	09/21/99		
			-	<del></del>		
,,		<del>-                                    </del>				
_						
<u> </u>	AA	AA 5,582,182	(if known)  AA 5,582,182	(if known)  AA 5,582,182 Hillsman	(if known)  AA 5,582,182 Hillsman 12/10/96	

FOREIGN PATENT DOCUMENTS								
Examiner Cite No.1	For	eign Patent Do		Name of Patentee	Date of Publication of	Pages, Columns, Lines, Where Relevant		
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T <sub>6</sub>
							T	
		<del> </del>			*		37	
	<del></del>		<del></del>				Ŕ	
		+	<del></del>				- (	_7 <u>2</u>
	<del></del>	+	<del> </del>				30	55
	<u> </u>	+	<del> </del> -		<del></del>		-<	<b>—</b>
	<del> </del>		<del>                                     </del>	<del></del>			CE	F-
		+	<del> </del>				2.	2
	<del> </del>	- <del> </del> -	<del>                                     </del>	<del></del> -			ा ग	<u> </u>

		ω
Examiner	Date	
	Consider	red 🔘
Signature	Consider	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark hee if English language Translation is attached.